United Nations A/HRC/39/48/Add.3

General Assembly

...: General
...eptember 2018

...nglish only

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to SIERRA LEONE: comments by the State*

* Reproduced as received.

GE.18-15042(E)
1815042

Please recycle

I. Introduction

1. During its first-ever participation in the triple COPs of the Basel, Stockholm and Rotterdam Conventions in April-May 2017, the delegation of the Government of the Republic of Sierra Leone met with the United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and extended an invitation to visit to Sierra Leone to monitor and assess steps taken by the Government to protect the human rights implicated in the management of hazardous substances and wastes throughout their life cycle. This is consistent with the Government's standing open invitation to all UN Special Rapporteur mandates holders to visit Sierra Leone.

2. The first day of the Special Rapporteur's visit coincided with the infamous mudslide and flooding disaster in Freetown. Despite this sad event, the Government of the Republic of Sierra Leone was determined to proceed with the visit, noting that the country needed to engage in this assessment to ascertain its institutional capabilities and legal and policy framework for the protection of human rights vis-à-vis the environmentally sound management and disposal of hazardous substances and wastes. This visit was also necessary as it demonstrated the Government's high level of commitment to complying with its obligations under relevant international human rights instruments and multilateral environmental treaties.

3. The Government of the Republic of Sierra Leone was also motivated to invite the Special Rapporteur because the current mandate holder, since his appointment in 2014, had not conducted a study visit in any African country. Sierra Leone therefore set out to be the first African country to engage the current mandate holder to further highlight the concerns which African countries have always raised about the problems associated with hazardous substances and wastes, the majority of which, if not all, are imported from Western countries.

4. The Government of the Republic of Sierra Leone thanks the UN Special Rapporteur for his visit to Sierra Leone and appreciates the fruitful discussions and meetings he held with all stakeholders within government, civil society, businesses, UN agencies, and international financial institutions in Sierra Leone. The Government is pleased that it was able to facilitate wide range consultations between the Special Rapporteur and stakeholders in Freetown and the provinces including visits to the cities of Bo, Kono and Makeni and other rural areas including Pujehun town.

5. The Government of the Republic of Sierra Leone warmly welcomes the findings and recommendations of the Special Rapporteur contained in both his initial End of Mission report of 25 August 2017 and this full report, an advance copy of which was made available to the Government of the Republic of Sierra Leone that gave us the opportunity to make these comments.

II. Findings: *acknowledgement of good practice / positive steps*

6. The Government of the Republic of Sierra Leone welcomes the Special Rapporteur's acknowledgement of significant advancements in the promotion of peace, democracy and economic development since the end of the civil war in 2002 and the government's efforts to get the economy back on track after the outbreak of the Ebola Virus Disease in 2014.

7. Overall, the Government of the Republic of Sierra Leone views the Special Rapporteur's report as a true representation of the status of human rights and toxics in Sierra Leone. The Government particularly considers that the report presents a very positive image of Sierra Leone in terms of existing legislation and other framework necessary for the promotion and protection of human rights implicated by toxins and wastes. For example, at **PARAGRAPH 24** of his report, the UNSR wrote: *"that various legal instruments to protect against exposure to hazardous substances and wastes in Sierra Leone were either in the process of being elaborated or under review during his visit. He is*

convinced that addressing gaps in the national legal and policy framework improve human rights protection in the country and encourages authorities to keep the momentum of drafting and adopting corresponding legal standards."

8. The Government of the Republic of Sierra Leone also welcomes the Special Rapporteur's findings in the area of enforcement as Sierra Leone has taken positive steps through the *"establishment of the Legal Aid Board in 2015, for the provision of legal aid services to indigent persons, as well as the National Judicial and Legal Training Institute, to ensure legal education within the justice sector. He recommends that the Government carry out education and information campaigns, together with the Human Rights Commission and the civil society, in order to increase awareness on existing remedies and how to use them...."* - at **PARAGRAPH 46**.

9. Another positive state institution relevant to the protection of human rights is the Environment Protection Agency (EPA) which the Special Rapporteur said its *"...informal role in receiving and addressing people's complaints on matters relating to the environment. He encourages the Agency to create a dedicated complaint desk. While this should not be seen as a substitute for access to judicial proceedings, including appropriate remedies and redress, the establishment of participatory procedures for grievances and related dispute-resolution systems, such as this one, can serve as early warning and prevention mechanisms."*

10. The Government of the Republic of Sierra Leone notes with appreciation the mix findings of positive steps and need for further action in the role of the Freetown City Council in waste management at **PARAGRAPH 74** as follows: *The Freetown City Council has in place a collection system that handles approximately 473.15 tonnes of waste per day, but almost 127 tonnes of waste remain uncollected. Less than 50% of the total waste output of Freetown reaches the two major dumpsites in the capital area: the dumpsite at Granville Brook and the dumpsite at Kingtom. Sierra Leone's waste management framework still presents serious challenges, which if left unaddressed will threaten human rights through exposure to wastes which impact negatively on the health and livelihoods of the people".*

III. Findings: *areas for improvement*

11. The Government of the Republic of Sierra Leone further welcomes the UN Special Rapporteur's observations to make justiciable all the rights protected in the Constitution of Sierra Leone – **PARAGRAPH 23**. The rights contained in the Constitution are fundamental rights and their review remains part of the wider review of the constitutional arrangements of State. The current administration is new in office and will carefully study this finding for future action.

12. The Government of the Republic of Sierra Leone notes the findings of overlap and multiplicity of government agencies in the waste management sector and therefore leading to problem in coordination and compliance **(PARAGRAPHS 32 AND 34)**. This will involve wider government consultation with relevant sectors to address this issue.

13. The Government notes with interest the finding that there is a lack of *"a public laboratory facility for the monitoring of pesticide residues in food, water and the environment, the level of pesticides use in the country has not been fully studied and therefore is highly likely to be under-estimated."* The Government also notes the need for *"Improved capacity in monitoring the use and assessing the impact of chemicals in agriculture and other economic activities"* **(PARAGRAPH 42)**.

14. The UN Special Rapporteur finds that *"Most victims of toxics have no access to justice and no semblance of an effective remedy, while most perpetrators of violations relating to toxics are not held accountable."* **(See PARAGRAPHS 45 – 48, 56)**.

15. The Government of the Republic of Sierra Leone will like to make the following comments in relation to the above. The Government has already put in place measures to ensure that indigenes and those whose rights are affected but have no means to hire a lawyer to enforce and protect those rights, could available themselves with the assistance of the State-funded Legal Aid Board programme. Established under the *Legal Aid Board Act,*

No 6 of 2012 (http://www.sierra-leone.org/Laws/2012-06.pdf), the Legal Aid Board was set up to provide accessible, affordable, credible and sustainable legal aid services to indigent persons. For example, section 20 of this Act makes provisions for indigenes to access legal aid for any civil or criminal matter where this is in the interest of justice. The services provided are legal advice and assistance and legal representation. So, the Legal Aid Board is one scheme (in addition to the services provided by the Human Rights Commission) for those who are the victim of injustice to seek redress.

16. In its response to the draft report, the Supreme Court of Sierra Leone explains that *"...it ought to be made absolutely clear that the Courts cannot refuse or decline jurisdiction to hear any particular complaint irrespective of its relative innocuousness. The fact that the outcome may not be satisfactory to all interested parties is another matter... Presently, there are Magistrates sitting in every District in the country. Some like, Bo District, have at least two at any one time. Recruitment of more Magistrates is being actively considered. As regards the High Court, outside the Western Area, Judges sit in only the main urban centres such as Bo, Kenema, Makeni, Moyamba, Kono, Port Loko...An adequately resourced Judiciary should be in a position to field Judges in all Districts. We are hoping this happens in the very near future."* There is therefore a system that is available for use and with additional support, the system in Sierra Leone will be far better than in other countries for victims to enforce and protect their rights.

17. The UN Special Rapporteur also finds that mine workers' protests were repressed and land dispute led to instances of harassment and victimization which he attributed to the state or agents of the state and concluded that *"This sort of harassment would be incompatible with Sierra Leone's recognized human rights obligations and would also contradict the Government's stated commitments to ensuring economic investments are promoted while paying full attention to the rights of the most vulnerable communities"* **(PARAGRAPHS 51 – 52, 61)**.

18. The Government is of the view that our court system is open and available to all. As recently as January 2018, a community in Northern Sierra Leone was able to make a claim against a mining company with its headquarters in England. Our legal system accommodated and supported the prosecution of that claim with a Judge from England sitting in Freetown to interview victim plaintiffs and obtain evidence. [1]

19. The Government welcomes the Special Rapporteur's findings on other areas of concern include: problems with availability of safe water and sanitation; heavy noise pollution, associated with both blasts and other sources of noise, such as heavy processing plants and machinery in mining and other industrial areas **(PARAGRAPH 62)**; problems with pesticides to human health and the environment **(PARAGRAPH 67)**; water contamination and human health **(PARAGRAPH 70)**; waste management **(PARAGRAPHS 71 AND 76)**; etc.

IV. Conclusion and Recommendations

20. The Government of the Republic of Sierra Leone welcomes the broad range of recommendations contained in the Special Rapporteur's report. The Government has already demonstrated capacity and willingness to address some of the concerns in the report by adopting and enforcing laws and policies related to waste reduction and labour inspection requirements.

21. The Government takes this opportunity to reaffirm its support for the mandate of the Special Rapporteur and looks forwarding to working with the Special Rapporteur and our

[1] Jonathan Ames, *Judge sitting in Sierra Leone makes legal history*, The Times, January 28, 2018, available at https://www.thetimes.co.uk/edition/news/judge-sitting-in-sierra-leone-makes-legal-history-mnp7p290c; Desmond Davies, *Sierra Leone News: UK judge to hold Tonkolili Iron Ore hearing in Freetown"*, Awoko Newspaper, January 30, 2018, available at https://awoko.org/2018/02/05/sierra-leone-news-uk-judge-to-hold-tonkolili-iron-ore-hearing-in-freetown/.

development parents to fully implement the conclusions and recommendations in his report. The Government thanks the Special Rapporteur for his report which the government regards as an invaluable resource and a blueprint to promote and protect all rights and the environmentally sound management of hazardous chemicals and wastes in Sierra Leone.

22. Air pollution, marine pollution, and plastic wastes also deserve the Government's attention to address these concerns too.

23. For the Government of the Republic of Sierra Leone, the Special Rapporteur and his report support our approach that all human rights are cross-cutting, cross-sectoral, and intricately linked to Sierra Leone's development. The Government therefore calls upon all friendly nations and our development partners to engage with the Government of Sierra Leone to full y implement the recommendations contained in this report. The Government will continue to show leadership and commitment in this regard through the coordination work of the Ministry of Foreign Affairs and International Cooperation, the Human Rights Commission and the Environment Protection Agency of Sierra Leone.

United Nations A/HRC/39/48/Add.4

General Assembly

Distr.: General
11 September 2018

English only

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Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to DENMARK and GREENLAND: comments by Denmark*

* Reproduced as received.

GE.18-15048(E)

1815048

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Comments to the draft report of the Special Rapporteur following the visit to Denmark and Greenland in 2017.

Denmark would like to thank the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes for the opportunity to provide comments to the draft report following the visit to Denmark and Greenland in 2017. The following comments consist of a contribution from the Danish Government after consultation with the Government of Greenland as well as a contribution from the Government of Greenland as attached.

The comments from the Danish Government are limited to matters of a factual character. Other comments to the draft text and recommendations will be reserved for later occasions.

The Danish Government look forward to continuing the cooperation with the Special Rapporteur on these issues.

Re paragraph 37:

In footnote 39, the following text could be added: "… and the combined maximum annual ship recycling volume of those countries must, during the preceding 10 years, constitute not less than 3 per cent of their combined merchant shipping tonnage".

Re paragraph 49:

The Greenland Self-Government arrangement could in our view be described in more detail with a view to ensuring a correct factual presentation of the arrangement.

In the proposed text below, please find suggestions for a more elaborate description:

"In 1953, Greenland became an integral part of the Danish Realm. According to Article 28 of the Danish Constitution, Greenland is to be represented by two members in the Danish Parliament. Gradually over the following decades Greenland expanded its autonomy in all Governance areas. The Greenland Self-Government's legal and institutional autonomy is currently provided by the Act on Greenland Self-Government of 21 June 2009 (which expanded the powers previously enacted in the Home Rule act of 1978 that came into force in 1979).[1] Pursuant to the Greenland Home Rule Act, Greenland has already assumed legislative and administrative re ponsibility in a substantial number of fields that affect the daily lives of Greenlandic citizens, including public finances, social welfare, education, health care and the environment area (apart from marine environment).

The Act on Greenland Self-Government recognises that the people of Greenland is a people pursuant to international law with the right to self-determination; describes the fields of responsibility and competences that Greenland can assume (e.g. natural resources and justice affairs); introduces a new economic arrangement which entails that the block grant is fixed to DKK 3,8 billion (approximately USD 596 million) and that the Self-Government take over responsibility for the financing of the expenditure related to the attendance of fields taken over and describes Greenland's access to independence. A few areas such as the constitution, foreign, security and defence policy and foreign exchange and monetary policy cannot be assumed by the Greenland Self Government due to the Danish Constitution. The Self-Government Act contains a comprehensive set of rules and regulations concerning cooperation between the Danish Government and the Greenland Government. E.g. Greenland has to be consulted before the ratification of international agreements. Greenland has established representations at the Kingdoms Embassies in countries of specific interest."

[1] Cf. UN General Assembly, doc. (A/64/676).

Re paragraph 50:

Not all human rights treaties applying to Denmark also apply to Greenland. See Denmark's Common Core document for an overview. It would be correct to state that "Most human rights treaties apply to Greenland. For the human rights treaties applying to Greenland, the Greenland Government provides reports…"

Re paragraph 51:

In the first sentence it is stated that Greenland recognizes a number of international conventions. In our view, it would be more correct to state that a number of international environment conventions including the Basel Convention *apply* to Greenland.

Further, the paragraph states that Greenland has not requested for Denmark to recognize its adherence to the Aarhus Convention. In this context it should be noted that Greenland does not need to seek recognition. The Greenland Government needs only inform the Danish Government that a convention to which Denmark is a party should also apply to Greenland. The Danish Government will then request the relevant authorities to remove the territorial declaration. This comment may have implications also for the recommendation, cf. paragraph 82.

Re paragraph 52:

In order to avoid confusion, it is suggested to add "Greenlandic" before the mentioning of Ministries and Departments within the Greenland Government. This also applies to paragraph 73.

Re paragraph 61 :

The first sentence states that the Danish Defence *controls* military activity in Greenland.

According to the Constitution, a few areas such as foreign, security and defense policy and foreign exchange and monetary policy cannot be assumed by the Greenland Self Government. Accordingly, the Greenland Self-Government has not assumed legislative and administrative responsibility regarding foreign, security and defense policy issue, including issues regarding expansion or change in military activities in Greenland.

The Defence Agreement of 1951 between the Government of the United States and the Government of the Kingdom of Denmark concerning the defense of Greenland - pursuant to the North Atlantic Treaty – entitles the United States to establish and/or to operate such defence areas, which the United States and the Kingdom of Denmark, on the basis of NATO defence plans, from time to time agree to be necessary for the development of the defence of Greenland and the rest of the North Atlantic Treaty area, and which the Government of the Kingdom of Denmark is unable to establish and operate on its own. Within such established defence areas and the air space and waters adjacent thereto the United States is entitled to improve and generally to fit the area for military use; construct, install, maintain, and operate facilities and equipment; station and house personnel and provide for the protection and internal security of the area etc. For the present, the Thule Air Base is the only defence area operated by the US in Greenland.

However, in accordance with subsequent agreements between the Government of the United States and the Government of the Kingdom of Denmark, including the Greenland Government, regarding the American military presence in Greenland, the Government of the United States will consult and inform the Government of the Kingdom of Denmark, including the Greenland Government prior to the implementation of any significant changes to United States military operations or facilities in Greenland.

Further, in accordance with the Itilleq-declaration of 2003 between the Government of the Kingdom of Denmark and the Greenland Government and the Act on Self Government, the Government of the Kingdom of Denmark consults and cooperates closely with the Greenland Government in affairs of foreign and security policy of particular importance to Greenland.

Based on the above, we find that it would be more accurate to state that the Government of the Kingdom of Denmark in accordance with the Constitution *has the competence* in matters of defence, and to add that in accordance with the Itilleq-declaration of 2003 between the Government of the Kingdom of Denmark and the Greenland Government and the Act on Self Government the Government of the Kingdom of Denmark consults and cooperates closely with the Greenland Government in affairs of foreign and security policy of particular importance to Greenland.

Finally, the draft states that there are 33 bases and radar stations in Greenland established under the 1951-agreement. Some installations (bases, radars, weather stations) were established under the 1941-Agreement (Agreement between Denmark and the United States of America on the Defence of Greenland of 9 April 1941) (See: "DUPI, Grønland under den kolde krig, 1997, page 61). The 1941-agreement was succeeded by the 1951-agreement. The total number of installations varies according to definition of applicability. Therefore, it could be advised either to make a footnote to the stated number (33) with a reference to the source of the information or to write "a number of" instead.

Re paragraph 62:

Reference is made to the comments made to paragraph 61 and 67.

The paragraph refers to debates on the responsibilities for "cleaning hazardous waste accumulated". It is a fair statement that there is a debate, but in our view, it would be more accurate to refer to a debate on the responsibilities for "cleaning up of remains of former military presence as well as monitoring and safeguarding the corresponding landfills". In this respect, it could also be mentioned that the Danish Government has financed impact assessments of different landfills on the nearby sea through the program "Environmental support for the Arctic". In January 2018, the Danish Government and the Government of Greenland signed an agreement concerning clean up of former US military presence in Greenland to be financed by Denmark.

Re paragraph 63:

The following factual statement could be considered added: "The Danish Government, in cooperation with the Greenland Government, has initiated a number of studies to establish a fact based assessment of the remains and waste at Camp Century, including a programme for long-term climate monitoring, detailed one-time surveying of the debris field and measurements of radioactivity in samples of ice core material from Camp Century".

Re paragraph 64:

It is not for the Danish Government to comment on the position of the US Government, but it could be mentioned that the US Government has financed an arrangement with the Greenland Home Rule regarding the demolition and cleaning up when the US Government abandoned the DYE-stations in Greenland. Furthermore, the US Government conducted a clean up of Sdr. Strømfjord (Kangerlussuaq) under the supervision of the Greenland Home Rule when the US left this area. The two mentioned arrangements were based on agreements between the US Government and the Government of the Kingdom of Denmark including the Government of Greenland. The government of the Kingdom of Denmark granted a mutually agreed financial contribution to the Home Rule for environmental clean up at Dundas when that area was given up by the US Government at the request of the Home Rule.

Re paragraph 65:

In the last part of the paragraph mention is made of studies conducted by the Danish Health authorities, which did not identify the existence of specific health consequences. It would be correct to state that these studies were in fact a joint undertaking between the Danish authorities and the Greenland Home Rule Government. It is also mentioned that further studies *indicated* that the existing levels of radioactive contamination in the area do not pose risk. This wording may indicate that the studies were not conclusive or comprehensive. The studies, however, concluded that the existing levels did not pose a risk.

Pre paragraph 66:

With respect to the agreement between the Danish Government and the Greenland Government on the clean-up of former American military presence in Greenland, it should be mentioned that the agreement respects the parties' administrative responsibilities, as mentioned above in relation to paragraph 49

The report mentions that interlocutors have expressed concern that the funds allocated to undertake the clean-up will not be sufficient. In this connection, it should be added that the agreement recognizes that there may be a need to adjust the envisaged 6-year implementation period.

Re paragraph 67:

It is stated that full transparency is crucial to dissipate the tensions that had emerged over years of covert operations. This statement is clearly factually correct but could be understood to state that there is not yet agreement on achieving transparency within this area. The agreement made between the Danish Government and the Greenland Government on the clean-up, however, is to be implemented *in cooperation* between Danish and Greenlandic authorities and specifically aims to ensure transparency and publicity on these matters.

The draft report prescribes that States must ensure the disposal of contaminated war debris, unexploded ordnance and military equipment in a manner that is consistent with international environmental standards. This sentence in the context of the paragraph could be read to state that the Kingdom of Denmark is not fulfilling its responsibilities. In this context it would be important to underline that the agreement between the Danish Government and the Greenland Government on the clean-up underlines the commitment of both parties to ensure that this waste is disposed properly. Furthermore, according to our information there is no example of contaminated war debris or unexploded ordnance that has been left unattended. In cases of unexploded ordnance, the Danish military will undertake the clean-up upon request by the police.

The draft report indicates that additional concerns remain among Greenlanders regarding the use of the island as part of the anti-missile shield and the potential risks associated with this. In this context it is important to note the 2004-agreement between the Government of the United states of America and the Government of the Kingdom of Denmark including the Greenland Government on amendment and supplementing the Defense Agreement in view of inter alia the incorporation of the Thule Airbase in the US Ballistic Missile Early Warning System. The Greenland Government co-signed the agreement.

Furthermore, it should be noted that the Greenlandic people is represented through the representative democratic institutions in both the Kingdom of Denmark and in Greenland. See also the comments to paragraph 49.

The comments provided in relation to this paragraph as well as previous paragraphs, particularly paragraphs 61 and 66 may give rise to reconsider the draft recommendations in paragraph 84 c).

Re paragraph 71:

We suggest the following minor edits to the paragraph:

"Adopted in 2009 and entered into force by 1 January 2010, the Mineral Resource Act is the framework legislation for all activities related to mineral and hydrocarbon exploration and exploitation. The adoption of the legal and institutional framework governing the mineral resource area, e.g. mining activities, in Greenland was one of the significant consequences of the adoption of the Act on Greenland Self-Government also in 2009 that enabled the Self-Government to take over this area among others."

United Nations A/HRC/39/48/Add.5

General Assembly

Distr.: General
11 September 2018

English only

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GE.18-15049(E)
1815049

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Special rapporteur final report comments from Government of Greenland

Comments transmitted on 31 August 2018:

Re front page:

1. Since the visit took place in both Denmark and Greenland, we recommend that the title of the report should address this by including Greenland in the title.

Re paragraph 49:

2. *"In 1953, Greenland became an integral part of the Danish Realm. According to Article 28 of the Danish Constitution, Greenland was to be represented by two members in the Danish Parliament."*

3. The Government of Greenland suggests: "*Greenland is represented by two members in the Danish Parliament.*"

Re paragraph 49:

4. *"Greenland has to be consulted in the ratification of international instruments and can establish representation in countries and institutions of specific interest."*

5. The Government of Greenland suggests: Furthermore, Greenland has to be consulted in the ratification of international instruments of specific relevance to Greenland. This also includes in matters of Foreign Policy and military activity in Greenland. Furthermore, Greenland has established representation in the Kingdom of Denmark's embassies in countries and institutions of specific interest.

Re paragraph 52:

6. *"The Ministry of Fisheries, Hunting and Agriculture is responsible for fisheries policy and for agriculture*" should read "The Ministry of Fisheries, Hunting and Agriculture is responsible for fisheries **and hunting** policy and for agriculture"

Re paragraph 58:

7. *"The Special Rapporteur underlines the need to continue investing in research on the consequences of Artic pollution and the special relevance of ensuring access to information and the development of alternative dietary options"*

8. The Government of Greenland acknowledge the conclusion drawn regarding contamination of food sources. No protocol has been established to test for heavy metals in domestic foodstuffs, as opposed to fish products exported, where samples are taken to comply with EU legislation. At present, more aggregate data on the impact of public health is missing. The Government of Greenland therefore suggests that development of such a protocol takes precedence over developing alternative dietary options.

9. The Arctic Monitoring and Assessment Program, AMAP has during many years provided information about pollution levels in Greenlandic and other Arctic marine mammals based on AMAP protocols and provided information about dietary alternatives. AMAP Assessment 2015, 2009 Human Health in the Arctic; Arctic Monitoring and Assessment Programme.

Re paragraph 59:

10. *"The fishing industry is in fact a key pillar in the Greenlandic economy and reports were shared with the Special Rapporteur with regard to the overfishing of some species such as salmon and halibut".*

11. The Government of Greenland kindly informs regarding the current situation of fishing of salmon and Greenland halibut. The North Atlantic Salmon Conservation

Organization (NASCO), of which Greenland is a member, has adopted new regulatory measures for salmon fisheries of West Greenland that addresses this issue. NASCO sets an annual Total Allowable Catch (TAC) of 30 tonnes for the period 2018-2020. Therefore, the Government of Greenland proposes to remove the sentence about salmon.

12. In regard to Greenland halibut, only coastal catches exceed biological advice, at present. The catches taken by the offshore component complies with the biological advice of the Northwest Atlantic Fisheries Organization and the fisheries are MSC certified. Please note that the correct term for type of halibut fished off Greenland is Greenland halibut.

13. The Government of Greenland therefore suggests adjusting the recommendations accordingly.

Re paragraph 62:

14. *"The lack of participation of Greenlandic authorities in past agreements adopted between Danish and U.S. forces, and Greenland's lack of autonomy on defence and foreign matters, have fuelled debates on the responsibilities for cleaning hazardous waste accumulated over decades of U.S. military activity"*

15. The Government of Greenland kindly informs that it is correct to assert a lack of involvement of Greenlandic authorities in past agreements, due to the constitutional status of Greenland. However, the Government of Greenland identifies the prevalent source of this debate as the protracted unwillingness from the Danish and US authorities, until recently, to perform a comprehensive clean-up after US military activities and of abandoned US military sites.

Re paragraph 63:

16. As regards Camp Century, the Government of Greenland takes the position that the polluter or the party that permitted the polluting activities is responsible for cleaning up the pollution as well as damages to humans and the environment

Re paragraph 66:

17. With regards to the proposed studies and projects on monitoring and gauging the risks associated with Camp Century and the reported retraction of the covering ice cap, the Government of Greenland does not necessarily consider these studies and projects to be sufficient. In relation to this, it should also be mentioned that the Government of Greenland does not assume legal responsibility for the detection, investigation and cleanup of pollution including radioactivity in the area.

Re paragraph 67:

18. *"Additional concerns remain among Greenlanders regarding the use of the island as part of the anti-missile shield and the potential risks associated with this".*

19. The Government of Greenland kindly informs that this statement appears unconnected with the topic of the report and suggests removing this statement.

Re paragraph 70:

20. *"Accumulated experiences around the world indicate that uranium mining may be associated with a wide range of potential adverse human health risks. Besides the risks to workers, this specific mine could potentially contaminate and otherwise disturb areas used by the local community, for example as sheep farms"*

21. The Government of Greenland kindly informs that experiences around the world indicates that uranium mining can be performed safely and properly in accordance with the highest health, safety and environmental standards. This statement therefore does not mirror the specific situation in Greenland. Please also see the general comments on the efforts of Environment Agency for Mineral Resources Activities below. The Government of Greenland therefore suggests withdrawing this statement.

Re paragraph 70:

22. *"The capacity of authorities to ensure close monitoring of waste and tailings dumps in the future is another source of concern"*

23. The Government of Greenland kindly informs as background information that monitoring of both historic and current mining projects has been a standard practice in Greenland for decades. Monitoring reports are available online for the former lead-zinc mines at Maarmorilik in North Greenland and Mestersvig in East Greenland, the historic Ivittuut cryolite mine in South Greenland, and more recent mines of Seqi and Nalunaq as examples. An example of a monitoring report can be found here: http://dce.au.dk/udgivelser/udgivelser-fra-dmu/faglige-rapporter/nr-650-699/abstracts/fr684-uk/.

24. Naalakkersuisut is regularly informed of such reports and the national newspaper Sermitsiaq.AG has published articles, for example regarding monitoring results from the recently closed Nalunaq gold mine.

25. For current mining projects, the mining licence is publicly available and contains the standard terms for the regular inspection and monitoring efforts. An example of such a mining licence may be found here: https://naalakkersuisut.gl/~/media/Nanoq/Files/Publications/Raastof/ENG/Hudson%202015-39%20Underskrevet%20Udnyttelsestilladelse.pdf

26. Kindly see article 11.02 and 12.01 of the licence. In the specific exploitation plan mentioned in article 11.02, an environmental monitoring and inspection program is set out, which includes both regular monthly, quarterly, and yearly monitoring and authority monitoring and inspection, in practice carried out by the relevant Environment Agency for Mineral Resources Activities (EAMRA) scientific advisors.

Re paragraph 72:

27. *"The Mineral Resource Authority— comprised of the Bureau of Minerals and Petroleum, and Environmental Protection Agency— is responsible for all matters relating to mineral resources. The Bureau of Minerals may grant exploration licenses (for ten years), and exploitation licenses (once exploration has determined an economically feasible deposit— for thirty years)"*

28. The Government of Greenland kindly informs that the Bureau of Minerals and Petroleum since 2012 is known as the Mineral Licence and Safety Authority. Further, the Government of Greenland kindly informs that the Environmental Protection Agency is the Environmental Agency for Mineral Resource Activities.

Re paragraph 73:

29. *"Detailed guidelines were prepared to orient the process for preparing Social Impact Assessment (SIA) and ensure meaningful participation"*

30. The Government of Greenland kindly informs that detailed guidelines are also prepared for the Environmental Impact Assessment (EIA). The guidelines were updated in 2015, in a public consultation process.

31. Please find more information here: https://naalakkersuisut.gl/da/H%c3%b8ringer/Arkiv-over-h%c3%b8ringer/2015/Nye-retningslinjer-for-udarbejdelse-af-VVM-for-mineprojekter-i-Groenland (please scroll down for an English version).

Re paragraphs 74 & 84:

32. *"communities without access to Internet"*

33. The Government of Greenland kindly informs that there are no communities in Greenland without access to the Internet, except Qeqertat (population 24) near Qaanaaq.

Re paragraph 74:

34. *"public participation in the decision making process is still impaired by the lack of public access to the draft environmental impact assessment report"*

35. The Government of Greenland kindly informs, that following the pre-consultation and the required two-year data and information collection period required subsequently by the EIA guidelines, the draft environmental impact assessment report is published for public consultation. This happens as soon as it lives up to the EIA guidelines. The Public Access Act generally governs access to documents submitted to the authorities; please find an unofficial English translation available here: https://govmin.gl/images/Documents/Mineral_resource_act/Unofficial_consolidation_of_the_Public_Access_Act.pdf.

36. The comments above also refer to the conclusions drawn on page 20 and 21.

Re paragraph 84d:

37. *"The Self Government should further address concerns of a lack of systematic evaluations of former and present extractive projects. Efforts should also be directed towards making public draft environmental impact assessment reports"*

38. The Government of Greenland does not view environmental evaluations of former and present extractive projects as lacking, as they are continuously monitored throughout the mining phases. In addition, scientific advisors have carried out systematic post-closure monitoring since 1968.

39. Furthermore, the draft environmental impact assessment report is made available for public consultation. This is a mandatory requirement stipulated in the Mineral Resources Act and set out in the EIA guidelines. In addition, the Public Access Act covers all documents submitted to the authorities at all times. This includes reports, submitted to the authorities, which fails to meet the EIA guidelines and therefore are not ready for public consultation. This is recognized by a Naalakkersuisut decision of 18th of October 2017.

40. The decision of 18th of October 2017 regarding public access to the draft EIA can be found here: "https://naalakkersuisut.gl/da/Naalakkersuisut/Moeder-for-Naalakkersuisut/M%c3%b8dereferater/2017/10/18_10_17

41. All Naalakkersuisut decisions are published in Greenlandic and Danish on the website www.naalakkersuisut.gl

Re paragraph 76:

42. *"Recent evaluations noted that the majority of the waste in Greenland is disposed of in open dumps or incinerated in simple small-scale incinerators which release toxic chemicals (e.g. dioxins) that accumulate in ice, food and people, calling for the planned improvement"*

43. The Government of Greenland acknowledged the need for a better waste management and kindly informs that a major waste management plan for the period 2015-2025 addresses these issues, with appropriate funding allocated.

44. The Government of Greenland is presently working in cooperation with the municipalities to improve waste management, with a specific focus to minimize the emission of dioxins. A number of initiatives have been initiated, e.g. transport of waste from rural areas and smaller cities to central large-scale incinerators and facilities to handle hazardous waste. The Government of Greenland suggests to adjust the recommendations on page 21 accordingly.

45. Please find more information here:

https://naalakkersuisut.gl//~/media/Nanoq/Files/Attached%20Files/Natur%20Miljoe%20og%20Justitsomraede/Affaldsanlaegssektorplan%20maj%202015/Affaldsanlgssektorplan%202015%20DK%20DOK1947747.PDF

Re paragraph 82:

46. *"Yet, considering the significant risks posed by some activities, greater capacity among environmental officials might be needed to ensure standards are implemented"*

47. As the report does not discuss this issue, the Government of Greenland proposes to withdraw this suggestion.

Comments transmitted on 5 September 2018 (part 1):

48. The revised draft regarding para 66 and corresponding recommendation does not seem to reflect the comments provided by the Government of Greenland. The Government of Greenland has made an agreement with the Danish Government regarding clean up of former US military presence. Furthermore a seperate assessment and monitoring track has been agreed between the Danish and Greenlandic governments specifically regarding Camp Century. The Government of Greenland considers these two agreements important steps towards ensuring appropriate environmental management of sites with former military use. Furthermore our previously provided comments regarding para 66 only relates to Camp Century. We stated that the studies and projects are not necessarily considered sufficient. A final assessment of the adequacy of the studies and projects cannot be made before we know the results of such studies and projects. We do not find that it is a correct reflexion of our comments to state that the studies and projects are insufficient. Therefore, we propose the following adjustment;

49. In January 2018 Danish and Greenlandic authorities signed an agreement to promote the clean-up of American military installations. The deal earmarks 180 million kroner over six years for the clean-up. This followed a February 2017 agreement, adopted for the monitoring and gauging the risks associated with Camp Century and the reported retraction of the covering ice cap. AS REGARDS CAMP CENTURY, the Government of Greenland does not NECESSARILY consider these studies and projects to be sufficient, and reiterates that it does not assume legal responsibility for the detection, investigation and clean-up of pollution, including radioactivity in the area.

Comments transmitted on 5 September 2018 (part 2):

Sec 58: Følgende bedes tilføjet afsnittet:

50. The Arctic Monitoring and Assessment Program, AMAP has during many years provided information about pollution levels in Greenlandic and other Arctic marine mammals based on AMAP protocols and provided information about dietary alternatives. AMAP Assessment 2015, 2009 Human Health in the Arctic; Arctic Monitoring and Assessment Programme.

51. Sec. 72: Exploration licences are granted for a period of ten years **with the possibility of renewals for additional three years at the time**.